

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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| UNITED STATES OF AMERICA | : | |
| | : | 05-187 (ESH) |
| v. | : | |
| | : | |
| MARK CALLAHAM | : | |
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CONSENT MOTION TO CONTINUE

Mark Callaham, through undersigned counsel, respectfully moves this Honorable Court, pursuant to the Federal Rules of Criminal Procedure and the Sixth Amendment to the United States Constitution, for a continuance of this matter. In support of this motion, counsel states the following:

1. Mr. Callaham's motions hearing is scheduled for September 22, 2005 at 2:30 pm and his trial is scheduled for October 11, 2005. Pretrial motions have been filed so the speedy trial clock is tolled.

2. Undersigned counsel's investigator has just informed counsel that the necessary work will not be done in time for counsel to be ready for the motions date in this matter. There is a defense witnesses whose identity is known by the defense but have not been located and spoken with by the defense. Counsel can provide the Court with further representations regarding the information this witness has that is relevant to the motions hearing and the efforts to locate the witness.

3. Counsel has been in contact with Anthony Scarpelli, the Assistant United States Attorney assigned to this matter. He does not oppose this request.

4. The defense has previously stated in open court and can again represent to the court that disposition of this matter will either occur before or after litigating the motion to suppress evidence.

5. As Mr. Scarpelli previously stated in Court, he is unavailable on October 11. Counsel inadvertently scheduled the trial in this matter when she already had a felony matter scheduled for trial in Superior Court. The parties are available for a motions hearing on October 17 or 18.

WHEREFORE, for the foregoing reasons and for such other reasons that may appear meritorious to the Court, the defense respectfully requests that this Honorable Court vacate the motion and trial dates in this matter and set the matter for a motions hearing on October 17 or 18.

Respectfully submitted on behalf of both parties,

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